

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SHELA PLANK, )  
vs. )  
Plaintiff, ) CASE NO.: 06-973-DRH-PMF  
vs. ) CJRA TRACK: B  
DYNEGY, INC., and ) JUDGE: David R. Herndon  
DYNEGY MIDWEST GENERATION, )  
INC. )  
Defendants.

## ORDER

The Joint Motion to Dismiss Without Prejudice is GRANTED. Defendant Dynegy Inc. is dismissed without prejudice from the above-referenced cause of action. All costs of court and/or attorneys' fees incurred by the parties will be paid by the parties incurring them.

Dated and entered this 27<sup>th</sup> day of February, 2007.

/s/ **David RHerndon**  
UNITED STATES DISTRICT JUDGE